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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Varsity Brands, Inc., Varsity Spirit Fashions and Supplies, Inc. and Varsity Spirit Corporation,	:	
	:	
Plaintiffs/ Counterclaim Defendants	:	09 Civ. 1795 (PKC)
	:	
-against-	:	<b>ANSWER TO</b>
	:	<b>COUNTERCLAIMS FOR</b>
J&M Spirit Wear, Inc. and Louis D. Hernandez,	:	<b>DECLARATORY JUDGMENT</b>
	:	
	:	ECF Case
	:	
Defendants/ Counterclaim Plaintiffs.	:	
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Plaintiffs/Counterclaim Defendants Varsity Brands, Inc., Varsity Spirit Fashions and Supplies, Inc. and Varsity Spirit Corporation (hereinafter collectively referred to as "Varsity"), by and through their undersigned attorneys, for their Answer to Defendants' Counterclaims for Declaratory Judgment state as follows:

1. To the extent that Paragraph 1 sets forth legal conclusions, no response is required. To the extent that Paragraph 1 makes factual allegations, Varsity denies.
2. Varsity denies the allegations in Paragraph 2.

3. To the extent that Paragraph 3 sets forth a legal conclusion, no response is required. To the extent that Paragraph 3 makes a factual allegation, Varsity denies.

4. To the extent that Paragraph 4 sets forth a legal conclusion, no response is required. To the extent that Paragraph 4 makes a factual allegation, Varsity denies.

5. Varsity denies the allegations in Paragraph 5.

6. Varsity denies the allegations in Paragraph 6.

7. Varsity denies the allegations in Paragraph 7.

8. To the extent that Paragraph 8 sets forth a legal conclusion, no response is required. To the extent that Paragraph 8 makes a factual allegation, Varsity denies.

9. To the extent that Paragraph 9 sets forth a legal conclusion, no response is required. To the extent that Paragraph 9 makes a factual allegation, Varsity denies.

10. Varsity denies the allegations in Paragraph 10.

11. To the extent that Paragraph 11 sets forth a legal conclusion, no response is required. To the extent that Paragraph 11 makes a factual allegation, Varsity denies.

1. To the extent that Paragraph 1 of Defendants' "Second Cause of Action for Declaratory Relief Under the New York State Declaratory Judgment Act" sets forth a legal conclusion, no response is required. To the extent that said Paragraph 1 makes a factual allegation, Varsity denies.

2. Varsity admits that "J&M Spirit Wear ... is a Defendant now," as alleged in Paragraph 2 of Defendants' "Second Cause of Action for Declaratory Relief Under the New York State Declaratory Judgment Act." To the extent that said Paragraph 2 sets forth a legal conclusion, no response is required.

3. To the extent that Paragraph 3 of Defendants' "Second Cause of Action for Declaratory Relief Under the New York State Declaratory Judgment Act" sets forth a legal conclusion, no response is required. To the extent that said Paragraph 3 makes a factual allegation, Varsity denies.

Dated: New York, New York  
December 23, 2009

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.

By: 

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